

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Jonesboro, Arkansas)

)
) MM Docket No.
) RM-
)
)
)

RECEIVED

To: Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

APR 1 - 1992

Federal Communications Commission
Office of the Secretary

PETITION FOR RULE MAKING

TM Jonesboro, Inc. ("TM"),^{1/} licensee of Station KDEZ(FM), Jonesboro, Arkansas, by its counsel, hereby submits its petition for rule making to amend Section 73.202(b) of the Commission's Rules by substituting Channel 263C2 for Channel 262A^{2/} at Jonesboro and modifying the license for Station KDEZ, accordingly. In support, TM states as follows:

1. As demonstrated in the attached channel study, Channel 263C2 can be allotted to Jonesboro with a site restriction consistent with the Commission's minimum distance separation

^{1/} On February 27, 1992, the assignment of license from KZ Radio, L.P. to TM Jonesboro, Inc., for Station KDEZ(FM) (BALH-920102GU) was consummated.

^{2/} In the First Report and Order, in MM Docket 87-563, 5 FCC Rcd 2579 (1990), Station KDEZ's channel was modified from Channel 261A to specify operation on Channel 262A.

requirements in Section 73.207 of the Commission's Rules. See Exhibit 1. The channel study lists a short spacing to Channel 264A, Newport, Arkansas. However, effective February 21, 1992, the Commission allotted Channel 244C2 as a substitute for Channel 264A at Newport, Arkansas, which eliminates the short spacing. See Second Report and Order in MM Docket 87-563, 7 FCC Rcd 60 (1992). No petitions for reconsideration of the Second Report and Order were filed. Thus, the Commission's action is now final.

2. Earlier, on November 13, 1990, TM filed a similar petition for rule making to upgrade Station KDEZ to Channel 263C2. However, on December 8, 1990, the Policy and Rules Division returned this petition due to a short spacing to Station WBLE(FM), Batesville, MS, at KDEZ's current license site. Furthermore, at an alternate site specified in the petition which would eliminate this short spacing, the staff found the proposal to be unacceptable due to its status as contingent on the outcome of the Newport proposal in MM Docket 87-563. See Exhibit 2.

3. In view of the finality of the Newport channel substitution in MM Docket 87-563, TM now resubmits its petition to upgrade KDEZ(FM)'s class of channel to specify Channel 263C2 at the reference point -- 34° 54' 35" North/90° 42' 10" West. TM affirmatively states it will file an application to implement the channel change and if granted will construct the facility.

TM recognizes that the reference point specified in the channel study for this proposal will require a change in transmitter site. TM is willing to relocate its transmitter site to comply with the site restriction. TM also recognizes that it cannot commence operation on Channel 263C2 at Jonesboro until Station KOKR(FM) initiates program tests and files its license application for Channel 244C2 at Newport.

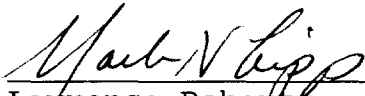
4. The public interest will be served by allowing Station KDEZ to expand its coverage area to reach substantially more persons with its signal in a large area surrounding Jonesboro.

5. In view of the above, TM respectfully requests the substitution of Channel 263C2 for Channel 262A at Jonesboro and the modification of its license, accordingly, in order to enable KDEZ to provide a wide coverage area service to the Jonesboro area.

Respectfully submitted,

TM JONESBORO, INC.

By:


Lawrence Roberts
Mark N. Lipp

MULLIN, RHYNE, EMMONS AND TOPEL, P.C.
1000 Connecticut Avenue, NW, Suite 500
Washington, D.C. 20036
(202) 659-4700

Its Counsel

April 1, 1992

EXHIBIT 1

Mullin Rhyne Emmons & Topel

FM Allocation Study Program

Using current separations

Project ID : JONESBORO ML AD 2254-02

Study name : JONESBORO, AR FM STUDY

Safe distance : 50.0 km

Country : US

Facility type : Commercial

Zone : 2

Coordinates : N 35 54 35.0 W 90 42 10.0

Channel(s) : 263

Class : Multiple

Translators are not included.

Date: 2/04/92 BDS V4.0

Study Name : JONESBORO, AR FM STUDY

Channel : 263

Coordinates : N 35 54 35.0 W 90 42 10.0

Separations : FM Zone 2 - Commercial

Call City	File - number		Chan Status	ERP HAAT	Latitude			Bear Zone	Dist(km) Notes	Required Separations / Clearance by Class					
	State					Longitude					C	C1	C2	C3	A3
KZIG Cave City	BLED	801205AA	210A	3.30	35	57	7.0	273.8	76.55	29.0	22.0	15.0	12.0	8.0	10.0
		AR	LIC	351	91	32	58.0	1		47.6	54.6	61.6	64.6	68.6	66.6
WEVL Memphis	BLED	860212KH	210C3	12.5	35	8	5.0	135.0	121.23	31.0	24.0	17.0	14.0	11.0	12.0
		TN	LIC	246	89	45	38.0	2		90.2	97.2	104.2	107.2	110.2	109.2
WEVL Memphis	BMLFD	910202KG	210C3	12.5	35	8	5.0	135.0	121.23	31.0	24.0	17.0	14.0	11.0	12.0
		TN	APP	246	89	45	38.0	2		90.2	97.2	104.2	107.2	110.2	109.2
KWCKFM Searcy	BLH	900914KC	260C2	50.0	35	26	50.0	245.8	123.84	105.0	79.0	58.0	56.0	55.0	55.0
		AR	LIC	492	91	56	52.0	2		18.8	44.8	65.8	67.8	68.8	68.8
KDEZ Jonesboro	BLH	870109KC	261A	3.00	35	51	17.0	200.2	6.51	95.0	75.0	55.0	42.0	27.0	31.0
		AR	LIC	229	90	43	40.0	1		-88.5	-68.5	-48.5	-35.5	-20.5	-24.5
WASL Dyersburg	BLH	880602KB	261A	3.00	36	4	14.0	81.0	119.03	95.0	75.0	55.0	42.0	27.0	31.0
		TN	LIC	298	89	23	52.0	1		24.0	44.0	64.0	77.0	92.0	88.0
WASL Dyersburg	BPH	900920IB	261C2	26.0	36	6	.0	78.7	111.66	105.0	79.0	58.0	56.0	55.0	55.0
		TN	CP	675	89	29	12.0	2		6.7	32.7	53.7	55.7	56.7	56.7
WVNAFM Tuscumbia	BLH	6812	262C1	100	34	45	24.0	114.2	302.64	209.0	177.0	158.0	144.0	129.0	133.0
		AL	LIC	246	87	41	10.0	2		93.6	125.6	144.6	158.6	173.6	169.6
WVNAFM Tuscumbia	BPH	901213JN	262C	100	34	40	24.0	116.0	304.39	241.0	209.0	188.0	176.0	161.0	165.0
		AL	CP	994	87	42	56.0	2		63.4	95.4	116.4	128.4	143.4	139.4
KEZQFM Jacksonville	BLH	841005CY	262C1	44.0	34	47	57.0	233.2	203.99	209.0	177.0	158.0	144.0	129.0	133.0
		AR	LIC	1368	92	29	29.0	2		-5.0	27.0	46.0	60.0	75.0	71.0
KDEZ Jonesboro	BPH	910717IC	262A	3.10	35	54	26.0	109.1	.85	165.0	133.0	106.0	89.0	64.0	72.0
		AR	APP	459	90	41	38.0	1		-164.2	-132.2	-105.2	-88.2	-63.2	-71.2
Jonesboro			262A		35	51	17.0	200.2	6.51	165.0	133.0	106.0	89.0	64.0	72.0
		AR	ALC	0	90	43	40.0	1		-158.5	-126.5	-99.5	-82.5	-57.5	-65.5

Study Name : JONESBORO, AR FM STUDY
 Channel : 263
 Coordinates : N 35 54 35.0 W 90 42 10.0
 Separations : FM Zone 2 - Commercial

Call City	File - number State	Chan Status	ERP HAAT	Latitude Longitude	Bear Zone	Dist(km) Notes	Required Separations / Clearance by Class					
							C	C1	C2	C3	A3	A
KATZFM Alton	BLH 800102BE IL	262B LIC	50.0 488	38 55 44.0 90 13 3.0	7.1 1	337.82	217.0 120.8	195.0 142.8	169.0 168.8	145.0 192.8	105.0 232.8	113.0 224.8
KATZFM Alton	BPH 881202IE IL	262B CP	50.0 482	38 55 44.0 90 13 3.0	7.1 1	337.82	217.0 120.8	195.0 142.8	169.0 168.8	145.0 192.8	105.0 232.8	113.0 224.8
WZZFFM Hopkinsville	BLH 900625KA KY	262C LIC	100 1000	36 56 58.0 87 40 18.0	66.0 2	295.28	241.0 54.3	209.0 86.3	188.0 107.3	176.0 119.3	161.0 134.3	165.0 130.3
KGAR Willow Springs	BLH 890511KA MO	262C2 LIC	50.0 492	37 3 49.0 92 1 39.0	317.7 2	174.60	188.0 -13.4	158.0 16.6	130.0 44.6	117.0 57.6	105.0 69.6	106.0 68.6
KZHE Stamps	BPH 910802JN AR	263C2 CP	50.0 492	33 28 34.0 93 16 23.0	221.7 2	358.26	249.0 109.3	224.0 134.3	190.0 168.3	177.0 181.3	163.0 195.3	166.0 192.3
Stamps	AR	263C2 ALC		33 28 .0 93 15 .0	221.3 2	357.67	249.0 108.7	224.0 133.7	190.0 167.7	177.0 180.7	163.0 194.7	166.0 191.7
WBLE Batesville	BIH 890828KD MS	263C2 LIC	50.0 492	34 22 44.0 89 45 57.0	153.1 2	190.09	249.0 -58.9	224.0 -33.9	190.0 .1	177.0 13.1	163.0 27.1	166.0 24.1
KGMY Aurora	BPH 890303IF MO	263C2 CP	33.0 600	37 5 39.0 93 31 5.0	298.5 2	284.41	249.0 35.4	224.0 60.4	190.0 94.4	177.0 107.4	163.0 121.4	166.0 118.4
KKCA Fulton	BMLH 900718KB MO	263A LIC	6.00 298	38 51 58.0 91 57 15.0	341.8 1	346.32	226.0 120.3	200.0 146.3	166.0 180.3	142.0 204.3	105.0 241.3	115.0 231.3
KAWWFM Heber Springs	AR	264C2 ADD		35 25 52.0 92 1 54.0	246.5 2	131.51	188.0 -56.5	158.0 -26.5	130.0 1.5	117.0 14.5	105.0 26.5	106.0 25.5
KAWWFM Heber Springs	AR	264A ADD		35 27 26.0 92 2 11.0	247.7 1	130.75	165.0 -34.3	133.0 -2.3	106.0 24.7	89.0 41.7	64.0 66.7	72.0 58.7
KOKR Newport	BMLH 901017KA AR	264A APP	4.10 216	35 36 38.0 91 15 2.0	236.2 1	59.63	165.0 -105.4	133.0 -73.4	106.0 -46.4	89.0 -29.4	64.0 -4.4	72.0 -12.4

Study Name : JONESBORO, AR FM STUDY

Channel : 263

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Separations : FM Zone 2 - Commercial

Call City	File - number State	Chan Status	ERP HAAT	Latitude Longitude	Bear Zone	Dist(km) Notes	Required Separations / Clearance by Class					
							C	C1	C2	C3	A3	A
Newport	AR	264A ALC	0	35 36 38.0 91 15 2.0	236.2 1	59.63	165.0 -105.4	133.0 -73.4	106.0 -46.4	89.0 -29.4	64.0 -4.4	72.0 -12.4
WDMS Greenville	BLH 860418KB MS	264C1 LIC	52.0 449	33 25 20.0 91 1 41.0	186.2 2	277.55	209.0 68.5	177.0 100.5	158.0 119.5	144.0 133.5	129.0 148.5	133.0 144.5
KGMO Cape Girardeau	BLH 841214LL MO	264C1 LIC	100 698	37 22 16.0 89 31 52.0	32.4 2	193.07	209.0 -15.9	177.0 16.1	158.0 35.1	144.0 49.1	129.0 64.1	133.0 60.1
KGMO Cape Girardeau	BPH 870225IJ MO	264C CP	100 987	37 22 16.0 89 31 52.0	32.4 2	193.07	241.0 -47.9	209.0 -15.9	188.0 5.1	176.0 17.1	161.0 32.1	165.0 28.1
Doolittle	RM 7171 MO	264A ADD	0	37 56 33.0 91 59 45.0	333.4 1	253.30	165.0 88.3	133.0 120.3	106.0 147.3	89.0 164.3	64.0 189.3	72.0 181.3
WMOD Bolivar	RM 7085 TN	264A ADD	0	35 15 .0 88 53 28.0	113.6 1	179.79	165.0 14.8	133.0 46.8	106.0 73.8	89.0 90.8	64.0 115.8	72.0 107.8
Middleton	RM 7225 TN	264C3 ADD	0	35 6 37.0 88 50 43.0	117.3 2	190.43	176.0 14.4	144.0 46.4	117.0 73.4	99.0 91.4	84.0 106.4	89.0 101.4
Ramer	RM 7092 TN	264C3 ADD	0	35 5 .0 88 38 24.0	115.6 2	208.42	176.0 32.4	144.0 64.4	117.0 91.4	99.0 109.4	84.0 124.4	89.0 119.4
WXOQ Selmer	TN	264C3 ADD	0	35 9 59.0 88 40 10.0	113.6 2	202.00	176.0 26.0	144.0 58.0	117.0 85.0	99.0 103.0	84.0 118.0	89.0 113.0
WXOQ Selmer	RM 7092 TN	264A ADD	0	35 13 11.0 88 40 23.0	112.1 1	199.30	165.0 34.3	133.0 66.3	106.0 93.3	89.0 110.3	64.0 135.3	72.0 127.3
KFCM Cherokee Village	BLH 810526AM AR	265A LIC	3.00 298	36 16 29.0 91 30 18.0	299.6 1	82.83	95.0 -12.2	75.0 7.8	55.0 27.8	42.0 40.8	27.0 55.8	31.0 51.8
WVHR Huntingdon	BLH 791030AB TN	265A LIC	3.00 298	35 57 5.0 88 27 47.0	88.0 1	202.18	95.0 107.2	75.0 127.2	55.0 147.2	42.0 160.2	27.0 175.2	31.0 171.2

Study Name : JONESBORO, AR FM STUDY
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							C	C1	C2	C3	A3	A
WVHR		265A		35 57 5.0	88.0	202.18	95.0	75.0	55.0	42.0	27.0	31.0
Huntingdon	TN	DEL	0	88 27 47.0	1		107.2	127.2	147.2	160.2	175.2	171.2
WVHR	BMLH 910809KA	265A	6.00	35 57 5.0	88.0	202.18	95.0	75.0	55.0	42.0	27.0	31.0
Huntingdon	TN	APP	298	88 27 47.0	1		107.2	127.2	147.2	160.2	175.2	171.2
WVHR		265C3		36 1 .0	85.9	200.56	96.0	76.0	56.0	43.0	42.0	42.0
Huntingdon	TN	ADD	0	88 29 .0	2		104.6	124.6	144.6	157.6	158.6	158.6
KZQA	BPH 890209MB	266A	3.00	34 49 52.0	231.2	189.64	95.0	75.0	55.0	42.0	27.0	31.0
North Little Rock	AR	CP	328	92 19 18.0	1		94.6	114.6	134.6	147.6	162.6	158.6
KJMS	BLH 810710AA	266C1	100	35 8 1.0	147.3	102.30	105.0	82.0	79.0	76.0	74.0	75.0
Memphis	TN	LIC	449	90 5 38.0	2		-2.7	20.3	23.3	26.3	28.3	27.3

End of Study

EXHIBIT 2

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DEC 1 1987

IN REPLY REFER TO:

Billy H. Thomas
President, KZ Radio, L.P.
2101-2 Overton Square Lane
Memphis, TN 38104-6501

Dear Mr. Thomas:

This is in response to the petition for rule making submitted on behalf of KZ Radio, L.P., licensee of Station KDEZ(FM), Jonesboro, Arkansas, requesting the substitution of Channel 263C2 for Channel 262A at Jonesboro and the modification of its license to specify the higher powered channel. You state that Channel 263C2 can be allotted to Jonesboro consistent with the minimum distance separation requirements of the Commission's Rules, contingent upon the substitution of Channel 244C2 for Channel 264A at Newport, Arkansas, and the substitution of Channel 264C2 for Channel 244A at Heber Springs, Arkansas, as proposed in MM Docket No. 87-563. In the event that the proposals pending in MM Docket No. 87-563 are not adopted, you request the substitutions of Channel 244A for Channel 264A at Newport and Channel 264A for Channel 244A at Heber Springs to accommodate the Jonesboro upgrade.

We have determined that, using the reference coordinates provided for Channel 263C2 at Jonesboro at 35-51-17 and 90-43-40, your proposal is 4.3 kilometers (2.7 miles) short-spaced to Station WBLE(FM), Channel 263C2, Batesville, Mississippi, at coordinates 34-22-44 and 89-45-57. The deficiency may be resolved with an appropriate site restriction at Jonesboro if the Newport and Heber Springs proposals are adopted in MM Docket No. 87-563. However, it is Commission policy not to accept petitions for rule making that are contingent upon the outcome of another rule making proceeding, since such acceptance results in an inefficient use of the Commission's limited resources. Your alternate request to substitute Class A channels at Newport and Heber Springs is also contingent upon the resolution of MM Docket No. 87-563.

Therefore, we find that the petition of KZ Radio, L.P., is unacceptable for consideration at this time and the petition is returned. KZ Radio may, of course, resubmit its request if the resolution of MM Docket No. 87-563 results in changes that could permit the allotment of Channel 263C2 at Jonesboro.

Sincerely,



Beverly McKittrick
Assistant Chief
Policy and Rules Division
Mass Media Bureau


Enclosures

cc: Paul Reynolds
415 North College Street
Greenville, AL 36037
(Consultant to Petitioner)

CERTIFICATE OF SERVICE

I, Yvonne C. Skinner, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., hereby certify that a copy of the foregoing "PETITION FOR RULE MAKING" was hand delivered this 1st day of April, 1992, to the following:

Ms. Nancy V. Joyner
Allocations Branch
Federal Communications Commission
2025 M Street, N.W., Room 8314
Washington, D.C. 20554


Yvonne C. Skinner